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3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

7 **MASTER SHORT FORM COMPLAINT**
FOR DAMAGES FOR INDIVIDUAL
CLAIMS

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Kevin Braden

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 Cynthia Braden

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant:

21 Montana
22

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Montana

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Montana

7. District Court and Division in which venue would be proper absent direct filing:

District of Montana - Missoula

8. Defendants (check Defendants against whom Complaint is made):



C.R. Bard Inc.



Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:



Diversity of Citizenship



Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):



Recovery[®] Vena Cava Filter



G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®]X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☒ Denali[®] Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

November 10, 2014

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation



Count XIII: Fraudulent Concealment



Count XIV: Violations of Applicable Montana (insert state)

Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices



Count XV: Loss of Consortium



Count XVI: Wrongful Death



Count XVII: Survival



Punitive Damages



Other(s): _____ (please state the facts supporting
this Count in the space immediately below)

1 RESPECTFULLY SUBMITTED this 6th day of January, 2017.

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3 **FLINT LAW FIRM, LLC**

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5 By: /s/ Andrew W. Callahan

6 Andrew W. Callahan, IL Bar No. 6298280

7 Brian S. Katz, KY Bar No. 86633

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